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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,479	07/09/2001	L. Carlton Brown JR.	006969-02231IUS	7465
20350	7590	04/06/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			BASS, JON M	
		ART UNIT	PAPER NUMBER	
		3639		

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/902,479	CARLTON BROWN
	<b>Examiner</b>	<b>Art Unit</b>
	Jon Bass	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07/09/2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Status of Claims**

1. Claims 1-32 are pending in this application. No Claims has been amended.

**Response to Amendment**

2. Applicant's arguments filed on December 27, 2005 have been fully and completely considered but are not found to be persuasive.

3. In response to applicant's arguments that the reference fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (I.e., Internet communication link) are not recited in the rejected claim (s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181 USPQ 2d 1057 (Fed. Cir. 1993).

4. Applicant argues, (with respect to Claim 1), that Shah (2003/0078893 A1) fails to teach or suggest a link as being an Internet link. As Shah disclose in page 1, 0023; that a postage metering system includes a postage printing devices

coupled to a central processing system via a wireless communication link. Viewed from information technology perspective, the Internet is considered a means for communicating data via of a system. The applicants' invention involves communication from a web server over a communication network. Shah teaches that data is communicated over a wireless link, again page 1, 0023.

5. Applicant argues that Shah fails to teach " postage indicium received markup language message". The Examiner notes that Shah discloses on page 3, 0046; that the secure link can be implemented to send encrypted, encoded, or signed data over a communication line. This suggests that the data retrieved from postage meter is encrypted and encoded with binary data. The data is then transferred via the communication device, which can be described as the Internet. The Internet is based on a server, which need direct communication lines in order to process any significant data relating to postage indicium data. For at least the reasons set above, the rejection made stands. Shah discloses/ suggest/ teach all the limitation presented by the applicant.

6. In regard to Claim 10, For at least the same reasons above and the reasons set forth in the Office Action Dated September 20, 2005, claim 10 is rejected. Applicant argues that Shah does not disclose receiving postage via the communication link. The Examiner notes that Shah does teach, suggests, anticipate and discloses the feature receiving a stamp via of the communication link. Shah discloses on page 3, 0050; that transmission of specific postage amounts, return of information which allows the transfer of postage indicia. This verifies that Shah's invention directly relates to the communication via of a communication link (Internet include), is demonstrated within Shah's invention. For at the least the reason set above the rejections stand.

7. In regard to claim 22, Claim 22 has similar limitations to those of claim 10, for the reasons set above and the reason disclosed in the Office Action dated September 20, 2005, the rejection stand.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1, 2, 8-10, 13, 15-16, 18-22, 24, 25, 31 and 32**

are rejected under 35 U.S.C. 102(e) as being anticipated by Chandrakant Shah et al (US Pub Date 2003/0078893) hereinafter referenced as Shah.

**As Per Claim 1:**

Shah discloses a method for obtaining a postage stamp by a user system, [{abstract}, remote postage printing device], comprising a processor, [{fig.4, 410}; processor], a memory, [{fig 4,438}, RAM], and a printer, [{fig 4, 428}, printer], from a website server, [{0036} server], over a communications network, [{0057}, network links], said method comprising:

requesting said stamp from said website server, [{0024}], RPPD receives request for postage]; receiving an markup language message comprising encoded binary data, [{abstract}, encryption and encoding] representing

a machine-readable portion of an indicium associated with said stamp, [{abstract}, secure postage indicium], said indicium comprising a digital signature, [{0026}, digital signature]; and using said print program, printing said machine-readable portion on a pre-processed label by said printer, [{abstract}], printing of an indicium].

**As Per Claim 2:**

Shah discloses a method wherein said print program, [{fig 4, 428}, printer] is downloaded from said website server and stored in said memory, [{fig 4, 438}, RAM].

**As Per Claim 8:**

Shah discloses a method wherein in said print program does not require a license from the United States Postal Service to execute, [{0036}, postal information system is commercially available system].

**As Per Claim 9:**

Shah discloses a method wherein in said print program does not require a separate account from the United States Postal Service to execute, [{0036}, postal information system is

commercially available system].

**As Per Claim 10:**

Shah discloses a method for obtaining a postage stamp by a user system, [{abstract}], remote postage printing device], comprising a processor, [{fig. 4, 410}; processor], a memory, [{fig 4,438}], RAM], and a printer, [{fig 4, 428}, printer], from a website server, [{0036} server] over a communications network, [{0057}, network links], said method comprising:

storing a print program downloaded from said website server in said memory, [{0058}, volatile memory];

requesting said stamp from said website server, [{0024}], RPPD receives request for postage];

receiving an XML message comprising encoded binary data representing a machine-readable portion of an indicium associated with said stamp, said indicium comprising a digital signature, , [{0026}, digital signature]; and

using said print program, printing said machine-readable portion on a processed label by said printer, [{0076}, human readable portion and {0073}], imprints the indicium on label.

**As Per Claim 13:**

Shah discloses a method wherein said XML data structure

includes a serial number that identifies said pre-processed label, [{col.10, lines 33-35}, serial number is used for validation].

**As Per Claim 15:**

Shah discloses a method wherein said print program is downloaded only once, [{0024}, includes postage printing device].

**As Per Claim 16:**

Shah discloses a method wherein said print program is downloaded each time a user logs into said website server, [{0024}, includes postage printing device].

**As Per Claim 18:**

Shah discloses a method wherein said pre-processed label has at least one of the following security features: bar-coding, micro-printing, watermarking, fluorescent strips, serrated edges, taggants, label sheet serial number, or individual label serial number, [{0076}, equipped with a barcode for security and tracking purposes].

**As Per Claim 19:**

Shah discloses a method wherein said XML message further comprises a meter number, a rate class, and an amount of postage, [{abstract}], store accounting information including postage.

**As Per Claim 20:**

Shah discloses a method further comprising:

using said print program, printing a logo on said pre-processed label by said printer, [{fig 7, 707}, including logo]; and

using said print program, printing microprint line on said pre-processed label by said printer, [{0043}, sent to printer for printing and {fig 7, 716}, micro printing].

**As Per Claim 21:**

Shah discloses a method further comprising: using said print program, printing said meter number on said pre-processed label by said printer, [{0076}, includes a device ID number];

using said print program, printing said rate class on said pre-processed label by said printer, [{0026}, printing of the postage indicium]; and

using said print program, printing said amount of postage on said pre-processed label by said printer, [{0026}], printing of the postage indicium].

**As Per Claim 22:**

Shah discloses a computer program product stored in a computer readable medium for obtaining a postage stamp by a user system, comprising a processor, [{fig 4, 410}], a memory, [{fig 4, 438}], and a printer, [{fig 4, 428}], from a website server, [{0036}] over a communications network, [{0057}], said computer program product comprising:

code for requesting said stamp from said website server, [{0042}], enters request into remote computer];

code for receiving an XML message, said XML message comprising encoded binary data representing a machine-readable portion of an indicium associated with said stamp, said indicium comprising a digital signature, [{0043}], sending secure encoded file to remote computer]; and

code for printing said machine-readable portion on a pre-processed label by said printer, [{0043}], coding, zip code, and address information is sent to printer for printing].

**As Per Claim 24:**

Shah discloses a method wherein said XML message further comprises a postal rate class, [{0067}], postal services receiving amounts].

**As Per Claim 25:**

Shah discloses a system for obtaining a postage stamp from a central server via a communication network, [{0057}], comprising:

a memory, [{fig 4, 438}];  
a processor, [{fig 410} coupled to said memory , [{fig 4, 438}] for sending a user request for said postage stamp in a markup language format to said central server, [{fig 6, 612}]; RPPD sends processed request to CSMD;

a software module stored in said memory for extracting an indicium from a markup language message received in response to said user request, said indicium including a digital signature, [{0062}], software resides in memory];

*a printer for printing said indicium on a pre-processed label, [{fig 6, 622}], printing of the postage indicium].*

**As Per Claim 31:**

Shah discloses the system wherein said indicium further comprising a serial number, [{col.10, lines 33-35}], serial

number is used for validation].

**As Per Claim 32:**

Shah discloses the system wherein said pre-processed label has at least one of the following security features:

bar-coding, micro-printing, watermarking, fluorescent strips, serrated edges, taggants, label sheet serial number, or individual label serial number, [{0076}], equipped with a barcode for security and tracking purposes].

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 3-7, 11-12, 14, 17, 23, 26-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (US Pub 2003/0078893) in view of Paul Austin (US Pub 2003/0200280) hereinafter referenced as Austin.

**As Per Claims 3, 4, 5, 6, 7, 11, 12, 14, 23, 26-30:**

Shah discloses a method wherein obtaining a postage stamp by a user system but lacks, wherein said markup language includes a Standard Generalized Markup Language (SGML), HTML, XML, Active X control.

Austin discloses a method wherein said markup language includes a Standard Generalized Markup Language (SGML), HTML, XML, Active X control, [{0131}], the client partitions the URL into an Access Method, Host, and Path. The host portions the specifies the host computer where the data is located, and path specifies the path where the data is located on the host computer. (eg, http, ftp, dstp, and the likes)].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Shah's method and system in conjunction with Austin's system and method to emulate an invention that deals with obtaining a postage stamp that includes markup language, which additionally verifies the products data and its origin.

**As Per Claim 17:**

Shah discloses a method wherein obtaining a postage stamp by a user system but lacks, wherein said encoded binary data is base 64.

Austin discloses a method wherein said encoded binary data is base 64, [{0142}], internet address encoded in URL, URL syntax is in binary 64 standard].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Shah's method and system in conjunction with Austin's system and method to emulate an invention that deals with obtaining a postage stamp that includes encoded binary data is base 64, which additionally verifies the products data and its origin.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at **(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

C/O Technology Center 3600

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*John Hayes*  
**JOHN W. HAYES**  
**SUPERVISORY PATENT EXAMINER**